

# Role of the prosecuting attorney in the criminal justice system research paper ex...

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## **Role of the Prosecuting Attorney in the Criminal Justice System**

The prosecuting attorney in the criminal justice system is an officer responsible for overseeing criminal prosecution on behalf of the people and the state. The role of the prosecutor as the main legal prosecution representative is found in countries that have the adversarial system of the common law. The prosecutor hence becomes the accuser in all criminal cases and it is up to the defense team to counter all the evidence given by the prosecuting attorney.

Among the many roles of the prosecuting attorney is that they are charged with the responsibility of trying to make the defendant accountable for their actions. The prosecutor uses the law of restitution in trying to make the defendant feel that they owe a sense of responsibility to the state, an individual, or a group of people for their actions. The most possible outcome of the prosecuting attorney being successful at this stage is that the defendant may confess to their crimes and hence the jury and judge will only be called upon to deliver a sentence. When such happens, chances are that the prosecutor offers some of leniency in terms of sentencing for the defendant.

The defendant is also responsible for validating the evidence gathered by the police in the course of their investigation. This is necessary to ensure that the defense team does not capitalize on loopholes in the prosecution evidence to prove innocence of guilty offender. This means that the prosecuting attorney should work in partnership with the police department

and that the two offices should collaborate on any evidence gathered no matter how small. All this is necessary because the burden of proof is on the prosecuting attorney in criminal proceedings. Failure to give complete proof of the defendant's guilt will lead to an acquittal even when the defendant is guilty.

The prosecuting attorney is also responsible for making timely disclosures of all information or evidence that may mitigate the offense to the defense team. This responsibility is meant to ensure that the defendant gets a fair trial and is included in the Professional Conduct Rules for the ABA Model. The rule is number 3.8 in this model (Totten, Ferdico & Fradella, 2008, p. 32).

In some cases the police may not be sure about how solid their evidence is and may consult with the prosecuting attorney to establish any oversights. In the case that the police feel that they need some more evidence to solidify their case, it is the duty of the prosecuting attorney to file for a warrant such as search or arrest warrant to allow the police to collect this additional evidence.

As the legal representative of the people and state in criminal proceedings, the prosecuting attorney has the responsibility of informing the people they are representing on the progress of the case. These updates do not however include anything that may compromise the prosecutor's case (Bugliosi, 2000, p. 44). The prosecuting attorney also acts as the voice of the afflicted, and a representation that justice will be awarded to all.

As can be seen above the prosecutor plays a significant role in the criminal justice system. One of these is legal representation of the afflicted parties which is the main role and other roles play a supportive function for this role.

## **REFERENCES**

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